

33  
PATENT  
Attorney's Docket No. 202406

## COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that

This declaration is of the following type:

original  design  supplemental  
 national stage of PCT  
 divisional  continuation  continuation-in-part

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (*if only one name is listed below*) or an original, first, and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **WATER-SOLUBLE LUMINESCENT QUANTUM DOTS AND BIOMOLECULAR CONJUGATES THEREOF AND RELATED COMPOSITIONS AND METHODS OF USE**

the specification of which:

is attached hereto.  
 was filed on September 24, 1999 as Serial No. 09/405,653 and was amended on \_\_\_\_\_ (*if applicable*).  
 was filed by Express Mail No. \_\_\_\_\_ as Serial No. *not known yet*, and was amended on \_\_\_\_\_ (*if applicable*).  
 was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (*if any*).  
  
*/*

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

*/* I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

*/* I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

COUNTRY	APPLICATION	DATE OF FILING (day,month,year)	PRIORITY CLAIMED UNDER 35 USC 119		
			YES		NO
			YES		NO
			YES		NO

*/* I hereby claim the benefit pursuant to Title 35, United States Code, § 119(e) of the following United States provisional application(s):

PRIOR U.S. PROVISIONAL APPLICATIONS CLAIMING THE BENEFIT UNDER 35 USC 119(e)	
APPLICATION NO.	DATE OF FILING
60/101,748	September 24, 1998
60/131,987	April 30, 1999

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120				
U.S. APPLICATIONS		Status (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 0 /				
2. 0 /				
3. 0 /				
PCT APPLICATIONS DESIGNATING THE U.S.		Status (check one)		
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)	PATENTED	PENDING
4.				
5.				
6.				

DETAILS OF FOREIGN APPLICATIONS FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119 FOR ABOVE LISTED U.S./PCT APPLICATIONS				
ABOVE APPLN. NO.	COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,yr)	DATE OF ISSUE (day,month,yr)
1.				
2.				
3.				
4.				
5.				
6.				

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Berton Scott Sheppard, Reg. 20922  
James B. Muskal, Reg. 22797  
Dennis R. Schlemmer, Reg. 24703  
Gordon R. Coons, Reg. 20821  
John E. Rosenquist, Reg. 26356  
John W. Kozak, Reg. 25117  
Charles S. Oslakovic, Reg. 27583  
Mark E. Phelps, Reg. 28461  
H. Michael Hartmann, Reg. 28423  
Bruce M. Gagala, Reg. 28844  
Charles H. Mottier, Reg. 30874  
John Kilyk, Jr., Reg. 30763  
Robert F. Green, Reg. 27555  
John B. Conklin, Reg. 30369  
James D. Zalewa, Reg. 27848  
John M. Belz, Reg. 30359  
Brett A. Hesterberg, Reg. 31837  
Jeffrey A. Wyand, Reg. 29458

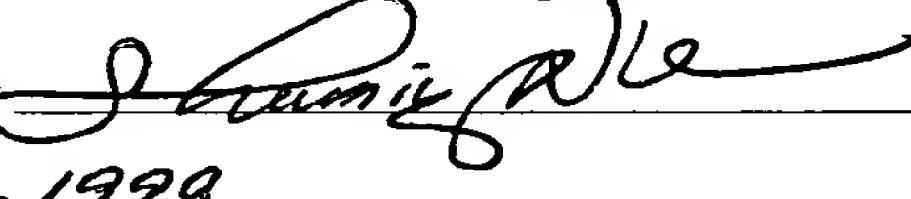
Paul J. Korniczky, Reg. 32849  
Pamela J. Ruschau, Reg. 34242  
Steven P. Petersen, 32927  
John M. Augustyn, Reg. 33589  
Christopher T. Griffith, Reg. 33392  
Wesley O. Mueller, Reg. 33976  
Jeremy M. Jay, Reg. 33587  
Jeffrey B. Burgan, Reg. 35463  
Eley O. Thompson, Reg. 36035  
Mark Joy, Reg. 35562  
Allen E. Hoover, Reg. 37354  
David M. Airan, Reg. 38811  
Michael H. Tobias, Reg. 32948  
Xavier Pillai, Reg. 39799  
Y. Kurt Chang, Reg. 41397  
Gregory C. Bays, Reg. 40505  
Carol Larcher, Reg. 35243  
Steven H. Sklar, Reg. 42154

M. Daniel Hefner, Reg. 41826  
Thomas A. Belush, Reg. 37090  
Kenneth P. Spina, Reg. 43927  
Gary R. Jarosik, Reg. 35906  
Song Zhu, Reg. 44420  
Andrew J. Heinisch, Reg. 43666  
Jeffery J. Makeever, Reg. 37390  
Salim A. Hasan, Reg. 38175  
Richard A. Wulff, Reg. 42238  
Jamison E. Lynch, Reg. 41168  
Rattan Nath, Reg. 43827  
Robert M. Gould, Reg. 43642  
Kevin L. Wingate, Reg. 38662  
David J. Schodin, Reg. 41294  
Paul L. Ahern, Reg. 17020  
Theodore W. Anderson, Reg. 17035  
Noel I. Smith, Reg. 18698

I further direct that correspondence concerning this application be directed to LEYDIG, VOIT & MAYER, LTD., Two Prudential Plaza, Suite 4900, 180 North Stetson, Chicago, Illinois 60601-6780, Telephone (312) 616-5600.

I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Shuming Nie

Inventor's signature 

Date 11-20-1999

Country of Citizenship: US

Residence: Bloomington, IN

Post Office Address: 612 Nighridge Rd., Apt. 24, Bloomington, Indiana 47401

Full name of second joint inventor, if any: Warren C.W. Chan

Inventor's signature 

Date 11-29-1999

Country of Citizenship: US

Residence: Bloomington, IN

Post Office Address: 1411 W. Allen St., Bloomington, Indiana 47403

Full name of third joint inventor, if any: Steven R. Emory

Inventor's signature 

Date 12/03/99

Country of Citizenship: US

Residence: Los Alamos, NM

Post Office Address: 274 Garver Lane, Los Alamos, New Mexico 87544